

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**NOTICE OF REMOVAL**

COMES NOW Defendant Red Roof Inns, Inc. (“Red Roof” or “Defendant”), by and through its attorneys Sandberg Phoenix & von Gontard P.C., and for its Notice of Removal pursuant to 28 U.S.C. § 1441 and Rule 81(c) of the Federal Rules of Civil Procedure states as follows:

1. Plaintiffs filed this action in the Missouri Circuit Court for the Twenty-First  
Judicial Circuit, St. Louis County, against Defendant for personal injury plaintiffs allegedly  
experienced at a hotel in St. Louis, Missouri, on July 5, 2020.

2. As to Defendant, plaintiffs' Petition alleges Defendant owned and/or operated the hotel and was negligent in allegedly providing a third party plaintiffs' hotel room information, which allegedly caused or contributed to cause the third party assaulting plaintiffs leading to plaintiffs' alleged injuries and damages.

3. From information Defendant has gathered, plaintiffs are Missouri citizens.

4. Defendant Red Roof Inns, Inc., is a corporation organized and existing under Delaware law and maintaining its principal place of business in New Albany, Ohio.

5. Defendant was organized under Delaware law with its principal place of business

in New Albany, Ohio, at the time plaintiffs filed their state court Petition and at all times since has continued to be incorporated in Delaware and maintain its principal place of business in Ohio.

6. Plaintiffs' Petition asserts a count for negligence against Defendant for which plaintiffs seek an award that "exceeds \$25,000." Moreover, plaintiffs' Petition seeks damages for past and future medical expenses, lost wages, and past and future pain and suffering and loss of enjoyment of life.

7. Consequently, the amount in controversy exceeds \$75,000 exclusive of interest and costs.

8. This action was filed on August 21, 2020, in the Missouri Circuit Court for the Twenty-First Judicial Circuit, St. Louis County, and was assigned cause number 20SL-CC04298.

9. On September 1, 2020, Defendant was served with Summons and a copy of plaintiffs' Petition.

10. The above-described civil action is one for which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a) because (a) plaintiffs allege a cause of action with an amount in controversy in excess of \$75,000.00 exclusive of interest and costs, and (b) plaintiffs and Defendant are citizens of different States.

11. Removal of the instant cause to this Court is sought pursuant to the provisions of 28 U.S.C. § 1441 and because the Missouri Circuit Court for the Twenty-First Judicial Circuit, St. Louis County, lies within the United States District Court for the Eastern District of Missouri, Eastern Division's territorial jurisdiction pursuant to 28 U.S.C. § 105(a)(1).

12. Defendant's Notice of Removal is timely filed within 30 days after plaintiffs' initial pleading was received by Defendant pursuant to 28 U.S.C. § 1446(b).

13. As required by 28 U.S.C. § 1446(b), Defendant's attorneys are providing written notice of the filing of this Notice of Removal to plaintiffs and to the St. Louis County Circuit Court Clerk.

14. A copy of all processes and pleadings are filed contemporaneously with this Notice of Removal (Exhibit 1) in accordance with 28 U.S.C. § 1446(a).

WHEREFORE, Defendant Red Roof Inns, Inc., respectfully requests the above-captioned action filed against it in the Missouri Circuit Court for the Twenty-First Judicial Circuit, St. Louis County, be removed to the United States District Court for the Eastern District of Missouri, Eastern Division, and for such other and further relief as the Court deems just and proper.

**DEFENDANT DEMANDS JURY TRIAL**

SANDBERG PHOENIX & von GONTARD P.C.

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**Certificate of Service**

The undersigned hereby certifies on the 1st day of October, 2020, the above and foregoing was electronically filed with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Jeff S. Wehmer